

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, telephone number, and e-mail address): Michael A. Mayron * Gerald Emanuel 82038 * 61049 HINKLE, JACHIMOWICZ, POINTER & MAYRON 2007 West Hedding Street, Suite 100 San Jose, CA 95128 TELEPHONE NO: (408) 246-5500 FAX NO: (408) 246-1051 E-MAIL ADDRESS: <i>for court use only</i>		982.1(1) FOR COURT USE ONLY (ENDORSED) FILED JAN 29 04 CLERK COURT OF CA SANTA CLARA COUNTY
ATTORNEY FOR DEFENDANT: Plaintiff RONALD DANIELS NAME OF COURT: Santa Clara County Superior Court STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:		104 CASE NUMBER: CV-018480
PLAINTIFF: RONALD DANIELS DEFENDANT: STATE OF CALIFORNIA, CAL TRANS, CITY OF GILROY and <input checked="" type="checkbox"/> DOES 1 TO 50, Inclusive		
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): General Negligence <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Wage Loss		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. PLAINTIFF (name): RONALD DANIELS

alleges causes of action against DEFENDANT (name): STATE OF CALIFORNIA, CAL TRANS, CITY OF GILROY *PAGES 1-50

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):b. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional plaintiffs who are not competent adults is shown in Complaint-Attachment 3.
 Form Approved by Optional Use
 Judicial Branch of California
 982.1(1) (Rev. July 1, 2007)
 Santa Clara County Forms TM

 COMPLAINT-Personal Injury, Property
 Damage, Wrongful Death

 Page 1 of 2
 Date of Civil Procedure, 1/25/17

Ronald Daniels

SHORT TITLE:
DANIELS VS. STATE OF CALIFORNIA, CAL TRANS

CASE NUMBER

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name):

STATE OF CALIFORNIA, CAL TRANS

- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☒ a public entity (describe):

(5) ☐ other (specify):c. ☒ except defendant (name):

CITY OF GILROY

- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☒ a public entity (describe):

(5) ☐ other (specify):b. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):

(5) ☐ other (specify):d. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):
 (4) ☐ a public entity (describe):

(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Complaint-Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. ☐ at least one defendant now resides in its jurisdictional area.
 b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
 d. ☐ other (specify):

9. ☒ Plaintiff is required to comply with a claims statute, and

- a. ☒ plaintiff has complied with applicable claims statutes, or
 b. ☐ plaintiff is excused from complying because (specify):

Ronald Daniels

SHORT TITLE:
DANIELS VS. STATE OF CALIFORNIA, CAL. TRANS

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify):
Emotional distress

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Complaint-Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

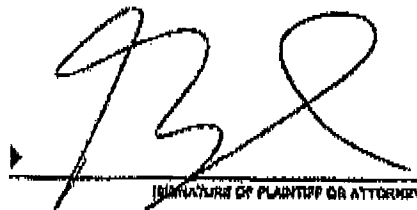
- a. (1) ☒ compensatory damages;
- (2) ☐ punitive damages
- b. The amount of damages is (you must check (1) in cases for personal injury or wrongful death):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: January 26, 2004

Gerald A. Emanuel

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Ronald Daniels

852.1(3)

SHORT TITLE:

DANIELS VS. STATE OF CALIFORNIA, CAL TRANS

CASE NUMBER:

FIRST

(Number)

CAUSE OF ACTION- General Negligence

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): RONALD DANIELS

alleges that defendant (name): STATE OF CALIFORNIA, CAL TRANS, CITY OF GILROY and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 28, 2003

at (place): Hecker Pass Highway near Santa Teresa Blvd.

(description of reasons for liability):

Plaintiff injured himself in a motorcycle accident that resulted from a sign pole being bent into traffic and into the roadway. The State of California, Cal Trans, City of Gilroy and Does 1-50, inclusive, knew, or should have known, about the sign being bent into traffic and the roadway.

Form Approved by the
Judicial Council of California
Revised January 1, 1992
Rule 97(c)
Defendant Form
Martin Dean's Secondary Forms TM

CAUSE OF ACTION- General Negligence

COP 425.12

Ronald Daniels

SHORT TITLE: DANIELS VS. STATE OF CALIFORNIA, CAL TRANS	CASE NUMBER: 882.1(5)
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SECOND
(number)

CAUSE OF ACTION- Premises Liability

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): RONALD DANIELS

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): June 28, 2003 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury)

Plaintiff injured himself in a motorcycle accident that resulted from a sign pole being bent into traffic and into the roadway. The accident occurred on Hacker Pass Highway. The sign was originally erected and should have been properly maintained by the State of California, Cal Trans. The damaged roadway sign was on the property of the State of California, Cal Trans. The State of California, Cal Trans, City of Gilroy and Does 1-50, inclusive, knew, or should have known, about the sign being bent into traffic and the roadway.

Prem.L-2. ☒ Count One-Negligence The defendants who negligently owned, maintained, managed and operated the described premises were (names):

STATE OF CALIFORNIA, CAL TRANS, CITY OF GILROY, and

☒ Does 1 to 50Prem.L-3. ☒ Count Two-Willful Failure to Warn [Civil Code section 848] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):☐ Does 1 to 50Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.Prem.L-4. ☒ Count Three-Dangerous Condition of Public Property The defendants who owned public property on which a dangerous condition existed were (names):

STATE OF CALIFORNIA, CAL TRANS, CITY OF GILROY, and

☒ Does 1 to 50a. ☒ The defendant public entity had ☐ actual ☒ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.b. ☒ The condition was created by employees of the defendant public entity.Prem.L-5. a. ☒ Allegations about Other Defendants The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

CITY OF GILROY

☐ Does 1 to 50b. ☒ The defendants who are liable to plaintiff for other reasons and the reasons for their liability are☐ described in attachment Prem.L-5.b ☒ as follows (names):

Plaintiff is informed, believes, and thereupon alleges that DOES 1-50, inclusive, are liable to Plaintiff as they caused the dangerous condition that resulted in Plaintiff's injuries.

Form Approved by the
Judicial Council of California
Effective January 1, 1999
Rule 100.1(d)
Captioned Form
Martha Dean's CaseNet Forms TM

CAUSE OF ACTION-Premises Liability

CCP 12.12

Ronald Daniels

1 MICHAEL B. MOORE, ESQ. (State Bar No. 62182)
2 CHARLES A. BROWNING, ESQ. (State Bar No. 141950)
3 MOORE & BROWNING, A Law Corporation
4 595 Market Street, Suite 1320
5 San Francisco, California 94105
6 Telephone: (415) 956-6500
7 Facsimile: (415) 956-6580

8 PHILLIP M. TOBIN, ESQ. (SBN 64666)
9 152 North Third Street, Suite 800
10 San Jose, CA 95112
11 Telephone: (408) 298-5200
12 Facsimile: (408) 995-0531

13 Attorneys for Plaintiff RONALD DANIELS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

13 RONALD DANIELS;

CASE NO.: 1-04-CV-013479

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Plaintiffs,

DOE AMENDMENT TO COMPLAINT

v.

16 STATE OF CALIFORNIA; et al.

17 Defendants.

19 Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities
20 of defendant business entity CHRISP COMPANY, in the complaint on file in this action, hereby
21 correct and amend his Complaint by inserting CHRISP COMPANY, in the place and stead of
22 defendants Doe 1 wherever it appears in the Complaint.

23 Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities
24 of defendant business entity CRP CONSTRUCTION COMPANY, in the complaint on file in this
25 action, hereby correct and amend his Complaint by inserting CRP CONSTRUCTION COMPANY,
26 in the place and stead of defendants Doe 2 wherever it appears in the Complaint.

28 Doe Amendment

1

MOORE & BROWNING
A Law Corporation
595 Market Street Suite 1320
San Francisco, CA 94105

1 Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities
 2 of defendant business entity HIGGINS & ASSOCIATES, in the complaint on file in this action,
 3 hereby correct and amend his Complaint by inserting HIGGINS & ASSOCIATES, in the place and
 4 stead of defendants Doe 3 wherever it appears in the Complaint.

5 Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities
 6 of defendant business entity ROBERT F. ENZ CONSTRUCTION, INC., in the complaint on file
 7 in this action, hereby correct and amend his Complaint by inserting ROBERT F. ENZ
 8 CONSTRUCTION, INC., in the place and stead of defendants Doe 4 wherever it appears in the
 9 Complaint.

10 DATED: December 8, 2006

MOORE & BROWNING
 a Law Corporation

11 By: Michael B. Moore
 12 Michael B. Moore

MOORE & BROWNING
 A Law Corporation
 555 Market Street, Suite 1200
 San Francisco, CA 94105

28 Doe Amendment

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01/23/2007 18:05 415-956-6580 MOORE&BROWNING PAGE 83/84
01/22/07 04:59PM ONELEB51, CR-AS MOORE & BROWNING 4159566580 Pg 3/3
01/22/2007 15:47 415-956-6580 MOORE&BROWNING PAGE 82/83

(ENDORSED)
FILED

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INT. TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
BY _____ DEPUTY

1 MICHAEL B. MOORE, ESQ. (State Bar No. 62182)
2 CHARLES A. BROWNING, ESQ. (State Bar No. 141950)
3 MOORE & BROWNING, A Law Corporation
4 595 Market Street, Suite 1320
5 San Francisco, California 94105
6 Telephone: (415) 956-6500
7 Facsimile: (415) 956-6580
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PHILLIP M. TOBIN, ESQ. (SBN 64666)
152 North Third Street, Suite 800
San Jose, CA 95112
Telephone: (408) 298-5200
Facsimile: (408) 995-0531

Attorneys for Plaintiff RONALD DANIELS

Clark Sakai

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

RONALD DANIELS;

Plaintiff,

v.

STATE OF CALIFORNIA; et al.

Defendants.

CASE NO.: 1-04-CV-013479

DOE AMENDMENT TO COMPLAINT

BY FAX

Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities of defendant business entity DMA GILROY PARTNERS, LLC, in the complaint on file in this action, hereby correct and amend his Complaint by inserting DMA GILROY PARTNERS, LLC, in the place and stead of defendants Doe 5 wherever it appears in the Complaint.

Upon filing of the Complaint herein, plaintiff, being ignorant of the true names and capacities of defendant business entity COAST RIM PROPERTIES, in the complaint on file in this action, hereby correct and amend his Complaint by inserting COAST RIM PROPERTIES, in the place and

Doe Amendment

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MOORE & BROWNING
A Law Corporation
595 Market Street, Suite 1320
San Francisco, CA 94105

01/23/2007 10:05 415-956-6500

MOORE&BROWNING


PAGE 04/04

1 stead of defendants Doe 6 wherever it appears in the Complaint.
2

3
4 DATED: January 22, 2007

MOORE & BROWNING
a Law Corporation

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7 By:


Michael B. Moore

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MOORE & BROWNING
A Law Corporation
695 Market Street Suite 1920
San Francisco, CA 94106